15.48½ hrs.

CONSTITUTION (AMENDMENT) BILL

(Insertion of new article 330A, etc.)

[English]

SHRI P. KODANDA RAMAIAH (Chitradurga) : Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. CHAIRMAN : The question is :

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted.

SHRI P. KODANDA RAMAIAH : I introduce the Bill.

15.49½ hrs.

SCHEDULED CASTES AND SCHEDULED TRIBES

(Reservation of Vacancies in Posts and Services) Bill*

[Translation]

SHRI ASHOK PRADHAN (Khurja) : Sir, I beg to move that leave be granted to introduce a Bill to provide for reservation of vacancies for the members of Scheduled Castes and Scheduled Tribes in posts and services under the control of the Government of India or of a State and in all statutory authorities and autonomous bodies receiving money from the Government of India or of a state and for providing punishment for violation of reservation policy and for matters connected therewith or incidental there to.

[English]

MR. CHAIRMAN : The question is :

"That leave be granted to introduce a Bill to provide for reservation of vacancies for the members of Scheduled Castes and Scheduled Tribes in posts and services under the control of the Government of India or of a State and in all statutory authorities and autonomous bodies receiving monies from the Government of India or of a State and for providing punishment for violation of reservation policy and for matters connected therewith or incidental thereto."

The motion was adopted.

* Published in the Gazette of India Extraordinary Part-II, Section-II, dated 20-12-96.

[Translation]

SHRI ASHOK PRADHAN : Sir, I introduce the Bill.

15.00 hrs.

PROVISIONS OF EMPLOYMENT BILL

[English]

DR. T. SUBBARAMI REDDY (Visakhapatnam) : Sir, I beg to move for leave to introduce a Bill to provide employment or for means and resources for self-employment to at least one adult member of every family.

MR. CHAIRMAN (SHRI NITISH KUMAR) : The question is :

"That leave be granted to introduce a Bill to provide employment or for means and resources for self-employment to at least one adult member of every family.

The motion was adopted.

DR. T. SUBBARAMI REDDY (Visakhapatnam) : Sir, I introduce the Bill.

[Translation]

SHRI G.M. BANATWALLA (Ponnani) : Sir, Please take the Employment Bill first and the Begging Abolition Bill afterwards so that our could atleast get employment. Otherwise, we already lack employment and we may be deprived of begging also.

15.50½ hrs.

HIGH COURT AT ALLAHABAD (ESTABLISHMENT OF A PERMANENT BENCH AT MEERUT) BILL*

[Translation]

SHRI AMAR PAL SINGH (Meerut) : Sir, I beg to move that Leave be granted to introduce a Bill to provide for the establishment of a permanent Bench of the High Court at Allahabad at Meerut.

[English]

MR. CHAIRMAN : The question is :

"That leave be granted to introduce a Bill to provide for the establishment of a permanent Bench of the High Court at Allahabad at Meerut."

The motion was adopted.

* Published in the Gazette of India Extraordinary Part-II, Section-II, dated 20-12-96

[Translation]

SHRI AMAR PAL SINGH : Sir, I introduce the Bill.

15.51 hrs.

STATE OF UTTARANCHAL BILL*

[English]

SHRI MANABENDRA SHAH (Tehri-Garhwal) : Sir, I beg to move for leave to introduce a Bill to provide for the establishment of the State of Uttaranchal by reorganisation of the existing State of Uttar Pradesh and for matters connected therewith.

MR. CHAIRMAN : The question is :

"That leave be granted to introduce a Bill to provide for the establishment of the State of Uttaranchal by reorganisation of the existing State of Uttar Pradesh and for matters connected therewith."

The motion was adopted **

SHRI MANABENDRA SHAH : Sir, I introduce the Bill.

15.52 hrs.

POPULATION CONTROL BILL*

[Translation]

SHRI BACHI SINGH RAWAT 'BACHDA' (Almora) : Sir, I beg to move that leave be granted to introduce a Bill to provide for measures to control population in the country and for matters connected therewith.

MR. CHAIRMAN : The question is :

"That leave be granted to introduce a Bill to provide for measures to control population in the country and for matters connected therewith."

The motion was adopted

SHRI BACHI SINGH RAWAT 'BACHDA' : Sir, I introduce the Bill.

15.52½ hrs.

UNIFORM MARRIAGE AND DIVORCE BILL*

[Translation]

SHRI BACHI SINGH RAWAT 'BACHDA' : (Almora) : Sir, I beg to move that leave be granted to introduce a Bill to provide for Uniform Marriage and Divorce Law for all citizens of the country.

[English]

MR. CHAIRMAN : Motion moved :

"That leave be granted to introduce a Bill to provide for uniform marriage and divorce law for all citizens of the country."

SHRI G.M. BANATWALLA (Ponnani) : Mr. Chairman, Sir, I rise to oppose the leave for introduction of the Uniform Marriage and Divorce Bill, 1996.

I am quite aware that according to the rules, I cannot go into the merits or demerits of the Bill at this stage. I rise only to say that the Bill is totally unconstitutional and is against the Constitution of India. The Bill makes serious inroads into the Muslim Personal Law. It is violative of the Shariat. As such, it is violative of Article 25 of the Constitution, which gives freedom of religion, the practice of religion and the matters connected and laid down by the religion. The hon. Member has referred to, in his Statement of Aims and Objects, Article 44 of the Constitution (Directive Principles). But even this Article 44 with respect to Uniform Civil Code, which is in the Directive Principles of the Constitution, is subject to and must be read with the Fundamental Rights given by article 25.

As such, I submit that this Bill is not constitutional at all. I know that I cannot raise a point of order on that matter because the Chair never rules on the constitutionality of the Bill. Therefore, I have not raised any point of order. I have only, with your permission, come before this House to appeal to the hon. Member that as his Bill is violative of the Shariat and the Muslim Personal Law and, therefore, violative of the Constitution of India, he should better withdraw the Bill.

The Government of India must be complimented and our Prime Minister must be congratulated that in the last week of August, 1996 the Government filed an affidavit before the Supreme Court saying that the Government has no intention whatsoever of bringing any common Civil Code forcibly. We appreciate that stand of the Government. All the memoranda that the Government had received from the different nooks and corners of the country against the Uniform Civil Code were duly filed by the Government in the Supreme Court along with their affidavit. It is a right step. I congratulate the Government for that stand. But, at the same time, I now appeal to the hon. Member to withdraw this particular Bill which is unconstitutional in nature. We cannot go into the merits and demerits of the Bill at this time. Otherwise, I am constrained to appeal to this august House kindly to reject the motion for leave to introduce the Bill.

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* Published in the Gazette of India, Extraordinary Part-II, Section-2, dated 20-12-96

** Introduced with recommendation of President